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C O N F I D E N T I A L SANAA 000448

SIPDIS

E.O. 12958: DECL: 02/22/2016

TAGS: [PTER](#) [ASEC](#) [PGOV](#) [YM](#) [COUNTER](#) [TERRORISM](#)

SUBJECT: TERROR TRIALS UPDATE: DEFENDANTS RELEASED AND
RUMORS UNCONFIRMED

REF: A. SANAA 2535

[B](#). SANAA 272

Classified By: DCM Nabeel Khoury for Reasons 1.4 (b) and (d).

[1](#). (U) On February 21, the Yemeni daily "al-Shura" reported that the Sanaa Special Penal Court ordered the release of Abdel Rauf Nassib, who had been tried and acquitted in 2004 of charges that he forged official documents for the USS Cole attackers (ref. A). Foreign press reports also stated that the Special Penal Court released Hadi Mohammed Saleh al-Waeli, who had reportedly been convicted of selling arms and ammunition without a license to USS Cole attackers.

[2](#). (C) Poloff contacted Mohammed al-Qadi, who reported on the Cole trial for the English language daily Yemen Times. He noted that Nassib was acquitted in the original USS Cole trial (Ref. A) but had remained in custody nonetheless. Al-Qadi said that he heard that al-Waeli -- previously unknown to post -- was released because he had "completed his sentence." Qadi could not confirm a rumor that 11 additional unidentified al-Qaida detainees were also released. No other contacts could confirm the rumor.

[3](#). (U) On February 22, the Sanaa Special Penal Court held a preliminary hearing for 17 defendants accused of fighting in Iraq and planning to attack US interests in Yemen. According to Qadi, the defendants all plead not guilty, alleging that the Political Security Office (PSO) had fabricated the accusations. Their names are currently unavailable.

[4](#). (C) Comment: At this time there is no further information available on the above-mentioned cases. Since the February 3 breakout of 23 al-Qaida prisoners (ref. B), working level law enforcement and prosecutorial contacts have been nervous about releasing information without direct instructions from their superiors. Post will inquire further at higher levels on all the cases and keep Department informed, as details become known. End Comment.

Krajeski